

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-723

July 5, 2000

GREAT WORKS INTERNET
Request for Commission Investigation
Regarding the Pattern of Service Failures, Delays,
Inadequate Service, and Failure to Provide
Service as Promised by Bell Atlantic-Maine

ORDER APPROVING
STIPULATION AND
DISMISSING CASE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

In this Order we approve a Stipulation between New England Telephone and Telegraph Company d/b/a (Bell Atlantic-Maine) and Great Works Internet (GWI) that resolves the issues raised in this complaint, and we close this docket. On September 16, 1998, Great Works Internet and 16 other complainants filed a 10-person complaint pursuant to 35-A M.R.S.A. § 1302, alleging various service problems with Bell Atlantic-Maine. The complainants were internet service providers (ISPs) or customers of ISPs. We have never determined that there was probable merit to the complaint pursuant to the provisions of section 1302. The lack of such a finding does not indicate that there is or is not merit to the complaint. The Commission Staff and GWI conducted extensive discovery. Section 1302 permits parties to reach a "mutually satisfactory resolution."

Following a number of discussions with the Commission Staff, GWI and Bell Atlantic filed a Stipulation (attached and incorporated into this Order) that disposes of this case. Notice of the Stipulation was sent to other signers of the complaint, but none of them has provided comment. GWI and Bell Atlantic agree that the pending complaint should be dismissed. GWI and Bell Atlantic also agree that the termination charges that Bell Atlantic has sought to impose on GWI (because GWI terminated its service with Bell Atlantic prior to the expiration of the term under its contract with Bell Atlantic) shall instead be credited to GWI's account with Bell Atlantic.

We find that the Stipulation constitutes a reasonable resolution to this case and we approve it.

Accordingly, we

O R D E R

1. That this case be dismissed; and

2. That New England Telephone and Telegraph Company d/b/a Bell Atlantic and Great Works Internet (GWI) comply with the terms of the Stipulation, attached hereto.

Dated at Augusta, Maine, this 5th day of July, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.